

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JESSE WOODROW SHOTTS,

Plaintiff,

v.

MICHAEL RASMUSSEN, et al.,

Defendants.

CIVIL ACTION NO.

02-AR-1343-S

FILED
02 SEP 27 AM 10:58
U.S. DISTRICT COURT
N.D. OF ALABAMA

ENTERED

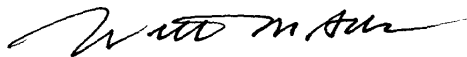
SEP 27 2002

MEMORANDUM OPINION

Under the terms of the submission order entered on September 5, 2002, the motion for summary judgment filed on September 4, 2002, by defendant, Keeton Corrections, Inc. ("Keeton"), came under submission at 4:30 p.m., September 20, 2002. The facts stated in the affidavit of Terracina Davis, attached to Keeton's motion for summary judgment, have not been contradicted. Instead, on September 20, 2002, plaintiff filed a "memorandum" which, among other things, objects to any ruling on Keeton's motion without first allowing discovery. This case is a classic example of a plaintiff's alleging everything conceivable against everybody conceivable in the hope that some claim will survive Rule 12(b)(6) and Rule 56 motions. Although the allegations against Keeton in the complaint as last amended, would not have survived a motion by Keeton to dismiss, they certainly do not survive its motion for summary judgment, and no amount of discovery would change the undisputed dispositive facts. Keeton's motion for summary judgment will be granted by separate order.

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DONE this 27th day of September, 2002.

A handwritten signature in cursive script, appearing to read "William M. Ackers, Jr.", written over a horizontal line.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE